



# APPLICATION FOR OPEN BURNING VARIANCE

North Dakota Department of Health  
Division of Air Quality  
SFN 8509 (12-05)

Instructions: (1) Complete both sides of this form, (2) obtain signatures of approval from appropriate health unit and fire department personnel, and (3) send completed application to the address listed below. **NOTE:** Approval must be received from this Department before burning can take place.

Applicant's Name	Company Name				Telephone Number	
Mailing Address	City				State	Zip Code
Location of Burn Site	¼ Section	Section	Township	Range	County	
Description of Material To Be Burned						

Open burning causes air pollution. The Department encourages waste reduction programs and recycling as practical alternatives to disposing of refuse and other combustible material by open burning.

The North Dakota Air Pollution Control Rules, North Dakota Administrative Code (NDAC) Chapter 33-15-01-07 allows variances in instances of **"exceptional circumstances"** as follows:

"Whereupon written application of the responsible person or persons the department finds that by reason of exceptional circumstances, strict conformity with any provisions of this article would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the department may permit a variance from this article upon such conditions and within such time limitations as it may prescribe for prevention, control, or abatement of air pollution in harmony with the intent of the state and any applicable federal laws."

Explain why this request for a variance should qualify as "exceptional circumstances." (Continue on reverse if necessary)	Burning will be supervised by:
	Approx. Date Burning Will Be Completed

## ASBESTOS

In accordance with NDAC 33-15-13, if this request is for the burning of a facility, the facility must be inspected for asbestos, a Notification of Demolition and Renovation form (SFN17987) must be submitted to this Department and all asbestos must be removed prior to burning. In most cases, a facility includes all types of structures except single family homes and apartment buildings having no more than four units.	Date SFN17987 Form Submitted (if applicable)
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## TOWNS OR OCCUPIED RESIDENCES WITHIN ONE MILE

NAME	DIRECTION FROM BURN SITE	DISTANCE FROM BURN SITE

## APPLICANT AND COORDINATION SIGNATURES:

I, the undersigned, understand that approval to conduct open burning does not exempt or excuse any person from the consequences, damages, or injuries which may result therefrom. I also agree to comply with the conditions of Chapter 33-15-04 of the North Dakota Air Pollution Control Rules and the conditions listed on the Variance Approval to Open Burn if granted by the Department..		
Applicant's Signature: _____		Date: _____
Local or District Health Unit Approval:	Title: _____	Date: _____
City or Rural Fire Department Approval:	Title: _____	Date: _____

Send completed application to:

North Dakota Department of Health  
Division of Air Quality  
918 E Divide, 2nd Floor  
Bismarck, ND 58501-1947  
Telephone: (701)328-5188  
Fax: (701)328-5185

Remarks/Comments (if necessary):

**A VARIANCE APPROVAL TO OPEN BURN IS SUBJECT TO THE FOLLOWING:**

1. Oil, rubber, asphalt, hazardous materials and other materials which produce unreasonable amounts of air contaminants may not be burned.
2. The material must be dry enough to burn cleanly.
3. Care must be used to minimize the amount of dirt on the material being burned.
4. The burning must be conducted only when meteorological conditions favor smoke dispersion or air mixing.
5. The burning must be conducted in such a manner to ensure that the fire will not spread to any material not approved for burning.
6. When burning is in progress, winds must not be blowing toward any nearby city or occupied residence, or toward any airport or landing strip adjacent to the burn location.
7. The burning may not be conducted adjacent to any highway or public road, so as to create a traffic hazard.
8. The burning may not be conducted in such proximity to any Class 1 area (Theodore Roosevelt National Park and Lostwood National Wildlife Refuge) that the visibility of such area is adversely impacted, as defined in Chapter 33-15-19 of the North Dakota Air Pollution Control Rules.
9. The local/appropriate fire department must be notified at least two hours prior to burning.
10. Burning activities must be attended and supervised at all times when burning is in progress.
11. Burning is prohibited if the fire index is in the "extreme" category as issued by the National Weather Service.
12. If state or local fire officials determine conditions to be unsafe for open burning, such burning must cease until conditions are deemed to be safe by such officials.
13. The variance must be utilized within sixty days of the Department approval date.